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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/591,154

08/30/2006

Katsuaki Taguchi

SIP-166-A

6184

21828

7590

08/18/2009

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EXAMINER

COKER, ROBERT A

ART UNIT

PAPER NUMBER

3616

NOTIFICATION DATE

DELIVERY MODE

08/18/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/591,154	Applicant(s) TAGUCHI ET AL.	
	Examiner ROBERT A. COKER	Art Unit 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05/22/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5 and 6 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigle et al. (U. S. 6,412,584) in view of Hirashima et al. (U. S. 3,853,199).

With respect to claims 1 and 5, Faigle et al. disclose an on-vehicle component fixation-release apparatus that releases the fixation of on-vehicle components (16, 24) attached to a vehicle body (26) by a fastening member (30), said on-vehicle component fixation-release apparatus comprising: a dismantling means (Column 1, lines 59-67) that enables dismantling of the fastening member or a fastening portion at which the fastening member is mounted, and a determination means (42) that determines whether the dismantling by the dismantling means is allowed in accordance with an input signal. Faigle et al. do not specifically disclose a specific location of its sensor. However, Hirashima et al. disclose a sensor (50) mounted on a buffer bar (10a). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of Faigle et al. such that its sensor is in a location as taught by Hirashima so as to detect a head-on collision.

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3. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Faigle et al. (U. S. 6,412,584) in view of Hirashima et al. (U. S. 3,853,199) and further in view of Byon (U. S. 5,727,288).

With respect to claim 2, the combination (Faigle et al. and Hirashima et al.) discloses the claimed invention. The combination is silent about an electrical storage means. Byon discloses a power (80) to provide power to the detonators (92, 192 and 76) so as to separate first hinge (40) and second hinge (140) and door check (50) from body (12) of the vehicle. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the invention of the combination such that it comprised an electrical storage means as taught by Bryon so as to assist in maintaining the door in an open position.

With respect to claims 3 and 6, the combination (Faigle et al., Hirashima et al. and Byon) discloses the claimed invention, except that one of the fixed members of the fastening member or fastening portion is formed with a shape memory alloy. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the one of the fixed members with shape memory alloy, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as s matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

4. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

5. Applicant's arguments with respect have been considered but are moot in view of the new ground(s) of rejection necessitated by the amendment of claim 1.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT A. COKER whose telephone number is (571)272-8514. The examiner can normally be reached on Monday thru Friday, 8.30 a.m.-5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul N. Dickson can be reached on 571-272-7742. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert A Coker
Examiner
Art Unit 3616

/RAC/

/Paul N. Dickson/
Supervisory Patent Examiner, Art Unit 3616